

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JESUSITA AGUIRRE,

Plaintiff,

v.

Civ. No. 18-153 GJF/GBW

ATRIUM MEDICAL CORPORATION, *et al.*,

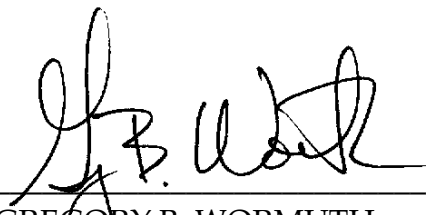
Defendants.

ORDER QUASHING ORDER TO SHOW CAUSE

This matter is before the Court upon review of the record. Plaintiff filed her Complaint on February 15, 2018. *Doc. 1.* Approximately three months passed with no further apparent action in the case. Therefore, on May 24, 2018, the Court filed an Order to Show Cause (*doc. 4*), directing Plaintiff to explain why her case should not be dismissed for failure to prosecute, given her apparent failure to timely serve Defendants. That same day, Plaintiff filed several Affidavits of Service showing that she had timely served Defendants (*docs. 5, 6, 7, 8*), and on June 7, 2018, she filed a Response to the Court's Order to Show Cause explaining that she had complied with Fed. R. Civ. P. 4(m). *Doc. 9.* Finally, on July 2, 2018, Defendants filed a Notice that Plaintiff had stipulated to an extension of time until August 3, 2018 for Defendants to file responsive pleadings to the Complaint. *Doc. 12.*

In light of the evidence that Plaintiff is actively engaged in prosecuting this matter, the Court is satisfied that Plaintiff should not be subject to the sanction of dismissal for failure to prosecute.

Therefore, IT IS ORDERED that the Court's Order to Show Cause (*doc. 4*) is hereby QUASHED.



GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE